

REMARKS/ARGUMENTS

Claims 1-11 and new Claim 12 are active in the case. Claim 2 stands withdrawn from consideration. Reconsideration is respectfully requested.

The present invention relates to a process of preparing an aromatic heterocyclic boron compound using an iridium complex as a catalyst for the reaction.

Claim Objection

The presentation of new Claim 12 obviates the objection of paragraph 8 of the Office Action.

The objection that has been raised with respect to the conjunction “or” is not understood. The language of the variables of “X, Y, Z, R¹ and R²” of Claim 1 seem to be properly described. Withdrawal of the objections to the claims is respectfully requested.

Claim Amendments

Minor changes of language have been made in the claims in order to improve the grammar and structure thereof. None of the amendments are believed to have introduced new matter into the case. Entry of the amendments into the record is respectfully requested.

Claim Rejection, 35 USC 112, First Paragraph

The rejection of Claims 1 and 3-11 is believed to have been obviated by the amended definition of the iridium catalyst as a univalent iridium complex in which the complexing ligand is defined as a Lewis base that has the ability to coordinate to univalent iridium. (See the disclosure of the text in the paragraph bridging pages 21-22 of the text.) Many such Lewis bases are known as taught on pages 21-23 of the specification. Accordingly, the first

paragraph rejection (112) is believed obviated and withdrawal of the rejection is respectfully requested.

Claim Rejection, 35 USC 102

Claims 1 and 3-11 stand rejected based on 35 USC 102(a) as anticipated by Takagi et al. This ground of rejection is respectfully traversed.

Applicants, by the filing of the attached certified English translation of the Japanese priority application on which the present U. S. application is based, hereby perfect the March 6, 2002 filing date of the Japanese application. This date antedates the publication date of August 5, 2002 of the Takagi et al reference, which discloses an iridium-catalyzed C-H coupling reaction in which bis(pinacolato)diboron reacts with a heteroaromatic compound. Accordingly, the basis for the rejection is obviated and withdrawal of the rejection is respectfully requested.

Claims 1 and 3-11 stand rejected based on 35 USC 102(b) as anticipated by Takagi et al. This ground of rejection is respectfully traversed.

As noted above, the Takagi et al publication has a publication date of August 5, 2002 which is less than one year prior to the filing date of the international application of March 5, 2003 of the present U. S. application. Thus, it does not appear that the present claims are effectively anticipated by the disclosure of the Takagi et al publication. Withdrawal of the rejection is respectfully requested.

Claim Rejection, 35 USC 103

Claims 1 and 3-11 stand rejected based on 35 USC 103(a) as obvious over Takagi et al. This ground of rejection is respectfully traversed.

In view of the comments above, it is clear that the Takagi et al publication is not available against the present claims under both 35 USC 102(a) and 35 USC 102(b). Accordingly, the rejection that has been raised under 103(a) does not appear to be tenable and withdrawal of the rejection is respectfully requested.

Claims 1 and 3-11 stand rejected based on 35 USC 103(a) as obvious over Tagata et al communication. This ground of rejection is respectfully traversed.

The Tagata et al document has an acceptance date (for publication) of September 15, 2004. This date is antedated by the 371 filing date of the present application of September 2, 2004. Accordingly, the reference is not available against the claims of the present application and withdrawal of the rejection is respectfully requested.

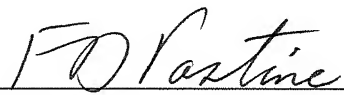
It is now believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)



Frederick D. Vastine, Ph.D.
Registration No. 27,013

NFO:FDV